

**OPINION
51-120**

April 17, 1951 (OPINION)

OCCUPATIONS AND PROFESSIONS

RE: Nursing Certificate - Fee

You requested the opinion of this office concerning the amount of fee and penalty required for renewal of the professional nursing certificate.

Section 43-1221 of the North Dakota Revised Code of 1943 provides:

"A certificate of registration issued under the provisions of this chapter shall be valid for only one year and shall be renewed on or before the fifteenth day of February in each year. The fee for the renewal certificate shall be one dollar. On January first the secretary of the board shall mail to all registered nurses an application form for reregistration. The application and fee shall be in the hands of the secretary by the fifteenth day of February of each year. The failure of any person to renew her registration annually shall suspend her right to practice professional nursing in this state, but she may be reregistered by paying the required renewal fee of one dollar for each year it has not been paid and an additional fee of one dollar for failure to complete her reregistration on time."

Chapter 187 of the 1939 Session Laws amended the prior provisions controlling the fee and provided for a penalty fee of one dollar and a registration fee of one dollar. The 1943 Code retained the penalty of one dollar and changed the renewal fee to "one dollar for each year it has not been paid."

It is our opinion that your board is authorized under this provision to require a renewal fee of one dollar per year for each year that the applicant has not held a certificate since 1943. We are also of the opinion that the one dollar penalty fee remains at one dollar regardless of the number of years the applicant did not hold a certificate. This one dollar fee is compensation for the additional registration work entailed by the late registration.

ELMO T. CHRISTIANSON

Attorney General